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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,394	12/28/2006	Christian Prentner	D4700-00424	5935

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DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4196

EXAMINER

ING, MATTHEW W

ART UNIT	PAPER NUMBER
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3637

MAIL DATE	DELIVERY MODE
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08/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/585,394	PRENTNER ET AL.	
	Examiner	Art Unit	
	MATTHEW W. ING	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/7/06, 10/3/06, & 2/27/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 7/7/06, 10/3/06, & 2/27/07 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Rock (5,882,100).

4. Regarding claim 1, Rock teaches a carcass rail (5); a pull-out rail (8); a central rail (7); and a control roller (11) mounted rotatably about an axis on the central rail and in engagement with the carcass rail and the pull-out rail.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rock (5,882,100) as applied to the claim(s) above, further in view of Hutzelman (2,873,150). Rock teach(es) the structure substantially as claimed, including a control roller comprising a bearing part (11) comprising a hard body. The only difference between Rock and the invention as claimed is that Rock fail(s) to teach a bearing part comprising a soft body, wherein the soft body at least in part projects in a the radial direction relative to the hard body. Hutzelman, however, teaches a bearing part comprising a soft body (28) projecting at least in part in a the radial direction relative to a hard body (18). It would have been obvious to one of ordinary skill in the art to include a substitute a bearing part, as taught by Hutzelman, for that of Rock, in order to reduce slippage between said bearing part & the carcass & pull-out rails; and since the results of substituting one known bearing part for another would have been predictable; thereby providing the structure substantially as claimed.

8. Regarding claim 3, Hutzelman teaches a soft body (28) projecting over only part of an axial extent of the hard body.

9. Regarding claim 4, Hutzelman teaches a soft body (28) arranged in a region of the axial end side of the control roller.

10. Regarding claim 5, Rock as modified by Hutzelman teaches a control roller comprising a two-component construction (i.e., both the hard & soft body of said roller).

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11. Regarding claim 6, Hutzelman teaches hard (18) & soft (28) bodies comprising two separate components which are assembled before mounting of the control roller.

12. Regarding claim 7, Hutzelman teaches a soft body (28) arranged between a shoulder (24) of the hard body and a bearing plate (i.e., flat portion of 18 distal from 24) of the control roller.

13. Regarding claim 8, Hutzelman teaches a soft body (28) fixed between a shoulder (vertical surface of 27 proximate 24) of the hard body (18) and a retaining washer (i.e., flat portion of 18 distal from 24).

14. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rock (5,882,100) as applied to the claim(s) above, further in view of FR2,441,086. Rock teach(es) the structure substantially as claimed, including a control roller (11) mounted on a spindle (25). The only difference between Rock and the invention as claimed is that Rock fail(s) to teach a spindle having a cross section that differs from circular by having a relatively larger diameter in a the pull-out direction of the pull-out guide; wherein the cross section of the spindle is roughly elliptical with a major axis extending in the pull-out direction. FR2,441,086, however, teaches a spindle (8) having a cross section (through 16) that differs from circular by having a relatively larger diameter (Fig. 3) in a the pull-out direction of the pull-out guide; wherein the cross section of the spindle is roughly elliptical with a major axis extending in the pull-out direction. It would have been obvious to one of ordinary skill in the art to substitute a spindle, as taught by FR2,441,086, for that of Rock, since the results of substituting one known spindle for another would have yielded predictable results; thereby providing the structure substantially as claimed.

15. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rock (5,882,100) as applied to the claim(s) above, further in view of McKay (2005/0066457). Rock teach(es) the

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structure substantially as claimed, including a control roller (11) mounted on a spindle (25) comprising a holding device (i.e., portion of 25 securing the remainder thereof to Item 7). The only difference between Rock and the invention as claimed is that Rock fail(s) to teach a holding device snap-connected to the central rail. McKay, however, teaches a holding device (1074) snap-connected to an adjacent structure (1080). It would have been obvious to one of ordinary skill in the art to substitute a holding device, as taught by McKay, for that of Rock, in order to permit easier assembly; and since the results of substituting one known holding device for another would have been predictable; thereby providing the structure substantially as claimed.

16. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rock (5,882,100) as applied to the claim(s) above, further in view of McKay (2005/0066457). Rock teach(es) the structure substantially as claimed, including a control roller (11) mounted on a spindle (25) comprising a bearing-holding device (i.e., flat portion of 25 distal from 7). The only difference between Rock and the invention as claimed is that Rock fail(s) to teach a control roller snapped onto a bearing spindle. McKay, however, teaches a bearing-holding device (1074) whereby a roller (1080) is snapped onto a bearing spindle (1076). It would have been obvious to one of ordinary skill in the art to substitute a bearing-holding device, as taught by McKay, for that of Rock, in order to permit easier assembly; and since the results of substituting one known bearing-holding device for another would have been predictable; thereby providing the structure substantially as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW W. ING whose telephone number is (571)272-6536. The examiner can normally be reached on Monday through Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MWI
28 July 2009
/José V. Chen/
Primary Examiner, Art Unit 3637